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REMARKS

This is a full and timely response to the non-final Official Action mailed **March 27, 2006**. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

By the forgoing amendment, claims 7 and 24 have been amended to correct minor informalities. These amendments do not and are not intended to narrow or have any effect on the scope of the claims. No substantive amendments are made by the present paper.

No claims are cancelled or added. Thus, claims 1-49 are currently pending for further action.

35 U.S.C. § 112, Second Paragraph:

The recent Office Action rejected claim 7 under 35 U.S.C. § 112, second paragraph, due to a typographical error in which “completely” was erroneously rendered as “completing.” This error has been corrected by the present amendment. This change does not, and is not intended to, narrow or alter the scope of claim 7 in any way. Following this amendment, claim 7 and all the other claims are believed to be in compliance with 35 U.S.C. § 112 and notice to that effect is respectfully requested.

Prior Art:

Claims 1-3, 10-14, 24, 25 and 29-32 were rejected under 35 U.S.C. § 103(a) as unpatentable in view of the combined teachings of a document entitled “Flash MX Tutorials”

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("Flash") and U.S. Patent No. 6,483,609 to Ueno et al. ("Ueno"). For at least the following reasons, this rejection is traversed.

Claim 1 recites:

A method of transitioning between two high resolution images in a slideshow, said method comprising:
replacing a first image with a lower resolution copy of said first image; and
fading out said lower resolution copy of said first image to reveal a second image.

Applicant initially notes that the claimed method occurs "in a slideshow," i.e., as images are being displayed sequentially. (*See* Applicant's specification, paragraph 0017). Consequently, claim 1 recites a method in which a first image being displayed is replaced by a lower resolution copy of the same image. While this lower resolution copy is being displayed, it is faded out from the display to "reveal" a second image that is then visible.

In contrast, the Flash and Ueno references do not teach or suggested the claimed method of transitioning between images in a slideshow. Flash and Ueno, whether taken together or singly, do not teach or suggest replacing a first image being displayed as part of a slideshow with a lower resolution copy of that same image and then fading out the lower resolution copy of the first image to reveal a second image.

The Flash reference is a tutorial for Macromedia Flash MX, an application for presenting video over the Web. As cited by the Office Action, Flash teaches that "[w]hen you import an image, you can check and modify settings that compress the image. While compressing images reduces the file size of your movie, compression can affect image quality; the goal is to strike a balance between compression settings and image quality." (Flash, p. 30). Applicant acknowledges that it is known to compress the data representing an image or movie to conserve memory. However, this does not teach or suggest, *in a*

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slideshow, replacing a displayed first image with a lower resolution copy *of the same image* and then fading out the lower resolution copy to reveal a second image.

The Flash reference does teach using the Flash MX program to fade between different images. A specific example is given in which the program fades between images of three different cars. (Flash, pp. 32-36). According to Flash, "you specify settings for beginning and ending keyframes, then specify tweening for those frames and the frames in between. Flash creates the transitional animation from the first keyframe in the animation to the last." (Flash, p. 32). However, this is merely a transition between three different images or views. Flash never teaches or suggests replacing a high-res image with a low-res copy of the same image as claimed.

In fact, Flash does not teach or suggest any of the claimed subject matter. Flash does not teach or suggest replacing a first image with a lower resolution copy of that same image during a slideshow and then fading out the lower resolution copy of the first image to reveal a second image.

Ueno is even less relevant to the claimed subject matter than Flash. Ueno teaches a system in which an image is scanned by a scanner and then divided into different "layers," which are then compressed. According to Ueno, "input image information is converted into the multilayer data format consisting of a first piece of image data, a second piece of image data, and selection data ... For example, a picture part such as a photo in the input image information can be made the first piece of image data, color information in a text or line drawing part can be made the second piece of image data, and form information in the text or line drawing part can be made the selection data." (Ueno, col. 2, lines 32-45). "The first piece of image plane after undergoing the resolution conversion is input to the first compression section 15, the second image plane after undergoing the resolution conversion is

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input to the second compression section 16, and the selection image plane after undergoing the resolution conversion is input to the third compression section 17. Predetermined compression processing is performed for the planes separately at steps S107, S108, and S109." (Ueno, col. 6, lines 17-25).

Thus, Ueno teaches compressing different "layers" or components of a single image that has been scanned. Ueno does not teach or suggest anything about a slideshow. Ueno does not teach or suggest replacing a first image with a lower resolution copy of that same image during a slideshow and then fading out the lower resolution copy of the first image to reveal a second image.

Neither of the two references applied teach or suggest any of the subject matter of claim 1. Specifically, Flash and Ueno, taken together or singly, fail to teach or suggest replacing a first image with a lower resolution copy of that same image during a slideshow and then fading out the lower resolution copy of the first image to reveal a second image. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these reasons, the rejection based on Flash and Ueno of claim 1 and its dependent claims should be immediately reconsidered and withdrawn.

Claim 24 recites:

A media viewer application stored on a medium for storing processor-readable instructions, said application comprising a slideshow function, wherein said slideshow function, when invoked, automatically displays a sequence of images stored on a selected storage medium to produce a slideshow;

wherein said slideshow function is configured to replace a first image with a lower resolution copy of said first image and then fade out said lower resolution copy of said first image to reveal a second image.

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Claim 24 is a software claim in the style approved by the Federal Circuit in the case *In re Beauregard*. Claim 24, similar to claim 1, recites software or “a media viewer application” stored on a medium for storing processor-readable instructions. The claimed application produces a slideshow in which the slideshow function “is configured to replace a first image with a lower resolution copy of said first image and then fade out said lower resolution copy of said first image to reveal a second image.”

As demonstrated above, the combination of Flash and Ueno utterly fails to teach or suggest this subject matter in any form. For at least these reasons, the rejection of claim 24 and its dependent claims should be reconsidered and withdrawn.

Claims 4-9, 26-28 and 33-49 were rejected as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings of Flash, Ueno and U.S. Patent No. 6,738,075 to Torres et al. (“Torres”). For at least the following reasons, this rejection is traversed.

Independent claim 33 recites:

A system for displaying images stored on a storage medium, said system comprising:
a video monitor;
a device for reading a data storage medium and outputting a signal to said video monitor; and
a media viewer application operational with said device for reading said data storage medium, wherein said media viewer application further comprises a slideshow function that, when invoked, automatically displays images stored on said data storage medium to produce a slideshow;
wherein said slideshow function is configured to replace a first image with a lower resolution copy of said first image and then fade out said lower resolution copy of said first image to reveal a second image.

As demonstrated above, the combination of Flash and Ueno utterly fails to teach or suggest the claimed slideshow function in which “said slideshow function is configured to

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replace a first image with a lower resolution copy of said first image and then fade out said lower resolution copy of said first image to reveal a second image.” Torres does not teach or suggest this subject matter, nor does the Office Action allege that Torres teaches such subject matter. Rather, Torres is cited merely as teaching a video monitor and a device for reading a data storage medium. (Action of 3/27/06, p. 12).

Thus, the cited combination of prior art still fails to teach or suggest the claimed “slideshow function [that] is configured to replace a first image with a lower resolution copy of said first image and then fade out said lower resolution copy of said first image to reveal a second image.” For at least these reasons, the rejection of claim 33 should be reconsidered and withdrawn.

Independent claim 44 recites:

A system for displaying images stored on a storage medium, said system comprising:
means for reading a data storage medium and outputting a signal to a means for displaying images; and
means for replacing a first image with a lower resolution copy of said first image and then fading out said lower resolution copy of said first image to reveal a second image.

As demonstrated above, the combination of Flash and Ueno utterly fails to teach or suggest the claimed “means for replacing a first image with a lower resolution copy of said first image and then fading out said lower resolution copy of said first image to reveal a second image.” Torres does not teach or suggest this subject matter, nor does the Office Action allege that Torres teaches such subject matter. Rather, Torres is cited merely as teaching a video monitor and a device for reading a data storage medium. (Action of 3/27/06, pp. 12 and 13).

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Thus, the cited combination of prior art still fails to teach or suggest the claimed “means for replacing a first image with a lower resolution copy of said first image and then fading out said lower resolution copy of said first image to reveal a second image.” For at least these reasons, the rejection of claim 44 should be reconsidered and withdrawn.

The rejections made in the Office Action inexplicably do not include independent claim 15 and its dependent claims. However, for some reason, the Action treats claim 15 informally, stating that claim 15 is similar in scope to independent claim 1 and, therefore, rejected on the same basis. (Action of 3/27/06, p. 10). This informal rejection is traversed for at least the following reasons.

Claim 15 recites:

A system for transitioning between two high resolution images in a slideshow, said system comprising a video chip comprising:
a first video buffer for containing a first image;
a second video buffer for containing a second image; and
a graphic buffer for containing a lower resolution copy of said first image;
wherein said chip is configured to replace said first image with said lower resolution copy of said first image and fade out said lower resolution copy of said first image to reveal said second image.

As demonstrated above, the combination of Flash and Ueno fails to teach or suggest a system in which a “chip is configured to replace said first image with said lower resolution copy of said first image and fade out said lower resolution copy of said first image to reveal said second image.” For at least this reason, the rejection of claim 15 should be reconsidered and withdrawn.

Additionally, the various dependent claims in the application recite further subject matter that is clearly patentable over the prior art cited. Specific examples follow.

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Claim 2 recites “disabling a graphic overlay and displaying said first image prior to replacing said first image.” The Office Action concedes that Flash and Ueno do not “expressly teach” this subject matter, but then argues that the subject matter of claim 2 is well known in the art and would have been obvious. (Action of 3/27/06, p/ 4). Applicant entirely disagrees and requests that a reference be cited that actually teaches the subject matter of claim 2.

“The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being “well-known” in the art. *In re Ahlert*, 424 F. 2d 1088, 165 USPQ 418, 420 (CCPA 1970). . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position.” M.P.E.P § 2144.03. Until such a reference is made of record, no *prima facie* case of unpatentability has been made with respect to claim 2.

Claim 3 recites “pointing a video overlay at said first image to display said first image prior to said replacing of said first image.” In this regard, the Office Action alleges that Flash teaches this subject matter, citing pages 30 and 31 of Flash. (Action of 3/27/06, p/ 4). However, this portion of Flash does not teach, suggest or even mention a video overlay that is pointed at a particular image to display that image. The Office Action does not appear to understand what a video overlay is or does. For at least these reasons, the rejection of claim 3 should be reconsidered and withdrawn.

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Conclusion:

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If any fees are owed in connection with this paper that have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: June 27, 2006


Steven L. Nichols
Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095

(801) 572-8066
(801) 572-7666 (fax)

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Rebecca R. Schow